

**BOARD OF COMMISSIONERS
FOR THE
TOWN OF UPPER MARLBORO**

ORDINANCE: 88–1: Litter and Weeds

SESSION: Regular Town Meeting

ADOPTED: June 14, 1988

AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING PROVISIONS TO WHAT CONSTITUTES
AN UNSIGHTLY ACCUMULATION OF LITTER AND WEEDS, REGULATING THE METHOD OF ELIMINATION
OF SAID LITTER AND WEEDS, PROVIDING FOR PAYMENT OF SAID ELIMINATION,
AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS

SECTION 1. BE IT ENACTED AND ORDAINED by the Board of Town Commissioners for the Town of Upper Marlboro, Maryland, that a new ordinance, Ordinance 88–1, be and hereby is, enacted to read as follows:

Sec. 88–1-1. Definitions.

(a) As used in this Ordinance, the following words are defined as follows:

- (1) **Garbage:** Any animal or vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
- (2) **Improved Property:** Real property on which has been erected a dwelling, building, or other structure, whether inhabited or vacant, and all ground appurtenant thereto.
- (3) **Litter:** Garbage, rubbish, or refuse, as defined herein, and all other waste material which:
 - (A) Creates or tends to create a danger to the public health, safety, welfare, or property, to the extent and in the manner that a lot, tract, or parcel of land is, or may reasonably become, infested or inhabited by rodents, vermin, or wild animals;
 - (B) May reasonably cause disease;
 - (C) Adversely affects and impairs the economic welfare or status of adjacent property or the neighborhood; or
 - (D) May reasonably constitute a present or potential fire hazard.
- (4) **Person:** Any person, cooperation, association, partnership, firm, syndicate, joint venture, or organization of any kind holding title to any land or lot within the Town; a lessee, tenant, or principal occupant of any land or lot within the Town or an agent of a person holding title to such land or lot, having care, custody, control, or management of the land or lot, or a fiduciary holding title to or having the care, custody, control, or management of such land or lot within the Town for another.

- (5) **Rubbish or Refuse:** All solid waste consisting of both combustible waste (including, but not limited to, paper, cardboard, wood, cloth, bedding material, yard and lawn clippings not located in an established compost pile or dead trees and limbs) and noncombustible waste (Including, but not limited to, metals, glass, crockery, tin cans, junked household appliances, abandoned or wrecked motor vehicles, or any building or construction wastes.)
- (6) **Subdivision:** A lot, tract or parcel of land that has been subdivided into two (2) or more lots, plots, sites, tracts, parcel, or other divisions for the purpose, whether immediate or future of rental, sale or building development, and shall include resubdivision, but shall not include a bona fide division or partition of land of exclusively agricultural land not for development purposes, except as herein provided. For the purposes of this Ordinance, a subdivided lot shall be a plot, site, tract, or parcel of land containing an area of not more than one (1) acre; provided, however, that when a parcel of land, whether subdivided or not, is contiguous to a developed lot, plot, site, or tract of one (1) acre or less, then, and in such event, the provisions hereof shall apply for a distance of fifty (50) feet from either side from the common boundary line.
- (7) **Town:** The Incorporated Town of Upper Marlboro, Maryland.
- (8) **Unimproved Property:** Real property that is not presently improved, although it may have been improved at one time.
- (9) **Weeds:** Grass, weeds, brush, or any noxious growth, excluding trees, ornamental shrubbery, plants, flowers, garden vegetables properly tended, cultivated crops, or undisturbed woodland, not otherwise in violation.

Sec. 88-1-2. Applicability of Ordinance.

- (a) The provisions herein shall apply to any improved or unimproved real property located within the Town.

Sec. 88-1-3. Declaration of Legislative Intent.

- (a) The Board or Town Commissioners finds and determines that the continuous growth and development of the Town requires the reasonable and effective control and regulation of the excessive accumulation of litter. Further, such accumulation on improved or unimproved property readily threatens or endangers the public health, safety or welfare by reason of the fact that such property is or may: Become infested or inhabited by rodents, vermin, or wild animals; Cause disease; Adversely affect or impair the economic welfare or status of adjacent property or the neighborhood, or constitute a present or potential fire hazard; And singly, or in any combination thereof, if hereby prohibited and declared to be a public nuisance, subject to the penalties and procedures hereinafter prescribed.
- (b) The Board of Town Commissioners further finds and determines, as a matter of common knowledge, that a high growth or weeds within populous areas has a strong tendency to produce sickness and to impair the health of the inhabitants, and may readily be a public nuisance in such localities. Further, the Board recognizes that weeds, as such, when matured

so also wing seeds or seed down may readily become a fire menace when dry, furnish a breeding place for mosquitos, and adversely affect or impair the economic welfare or adjacent property and the neighborhood in which located, and are hereby declared to be a public nuisance, subject to the penalties and procedures hereinafter prescribed.

Sec. 88–1-4. Weed Height.

- (a) It shall be the duty of every person as owner, occupant, lessee, or agent in charge of land lying within the Town to keep all weeds, as defined, cut to a height of not over ten (10) inches on improved or unimproved lots.

Sec. 88–1-5. Accumulation or Litter Prohibited.

- (a) It shall be the duty of every person as owner, occupant, lessee or agent in charge of land lying within the Town to prevent litter from accumulating, either temporarily or permanently, on such land. This Section shall not apply to those persons who store litter in private receptacles for collection or under controlled conditions for industrial processing, such as recycling.

Sec. 88–1-6. Notice to Remove.

- (a) Whenever the Town finds that the requirements set forth in Section 88–1-4 or 88–1-5, or both, of this Ordinance have been violated, it shall notify, in writing, the owner, or the person responsible for the maintenance of the property, to remove or properly dispose of the litter or weeds, or both, from the subject property. Such notice shall be by certified mail and addressed to said owner, or other responsible person, at the last known address or the address shown on the real property tax records in the Treasurer's Office for Prince George's County. Such notice shall be deemed complete and sufficient. In the event that such notice is returned by the postal authorities, the Town shall cause a copy of the notice to be personally served by an authorized representative upon the owners or occupants of the property or upon any agent of the owner thereof. In the event that personal service cannot be accomplished, as aforesaid, after reasonable efforts, then, notice shall be accomplished by physical posting upon said property.

Sec. 88–1-7. Deposit of Litter Prohibited.

- (a) It shall be unlawful for any person to throw, dump, or deposit, any litter or other refuse upon the land or property of another without the written consent first obtained, or under the personal direction of such owner; or to throw, dump, or deposit any litter, or other refuse upon any public street of the Town. A person found in violation of this section shall be subject to a one hundred (\$100.00) dollar fine.

Sec. 88–1-8. Action upon Noncompliance.

- (a) It shall be the responsibility of any owner or responsible person duly notified to properly dispose of litter or weeds, or both, within ten (10) calendar days after receipt of the written notice, either by certified mail or personally served, in accordance with Section 88-1-6 above, or within ten (10) calendar days after physical posting of the property; and the Town shall be notified upon completion of the disposal of such litter or weeds, or both.

- (b) If the violation is not corrected within the specified time period, the Town is hereby authorized and empowered to defray the costs of disposing of such litter or weeds, or both, by contract, or to request its disposal by the Prince George's County Department of the Environment (DOE). The property owner or responsible party shall be notified of the charges for disposal, in the manner prescribed by Section 88–1-6, and shall have thirty (30) days to pay. In addition, the owner or responsible person may also be subject to penalties as set forth in Section 88–1-12.

Sec. 88–1-9. Charges included in tax bill.

- (a) When the Town has effected the removal of such litter or weeds, or both, or has paid for its removal, the actual cost thereof, if not paid by the owner or responsible party within thirty (30) days shall be charged to the owner of such property by a supplemental tax bill issued upon recordation of the statement required by Section 88–1-10. When the fine is levied, as outlined in Section 88–1-12, it too, will be recorded on the supplemental Town tax bill.

Sec. 88–1-10. Recorded statement constitutes lien.

- (a) Where the full amount due the Town is not paid by such owner or responsible party within thirty (30) days after notice or the charges for the disposal of such litter or weeds, the Town shall cause to be recorded with the Prince George's County Office of Finance, a notarized statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which said work was done. Recordation of such statement shall constitute a lien on such property and shall be collected in the same manner as other Town real estate taxes.

Sec. 88–1-11. Appeals to violations.

- (a) A written appeal may be accepted by the Board of Town Commissioners on or before the expiration date or the notice of violation as defined in Section 88–1-6. If such written objections are filed, it shall be the duty of such person to appear before the Board of Town Commissioners, at a time and date set by the Board, when a hearing shall be accorded to such person.

Sec. 88–1-12. Violation; Penalties.

- (a) If the owner or responsible party fails to correct the violation within the prescribed time period, then he shall be subject to a monetary fine: Fifty dollars (\$50) for the first violation; One hundred dollars (\$100 00) for a repeat of the same violation; Two hundred and fifty dollars (\$250) for the third violation; and, Five hundred dollars (\$500) for each repeat violation in excess of three (3) violations.
- (b) Each day the violation continues is deemed a separate offense and is subject to an additional citation and fine in the same dollar amount as the initial or repeat citation.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect twenty (20) days after its adoption by the Town of Upper Marlboro, Maryland.